

U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRIN S. MCELHATTON,

Defendant.

2020 JUL 21 P 4:
CLERK OF COURT

20-CR-121

Case No. 20-CR-
[18 U.S.C. §§ 2252A(a)(2)(A),
(b)(1), (b)(2), & (a)(5)(B)]

Green Bay Division

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. On or about February 18, 2020, in the State and Eastern District of Wisconsin and elsewhere,

DARRIN S. MCELHATTON

knowingly received child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), using a means and facility of interstate and foreign commerce, that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, and which contained material that had been shipped and transported by a means and facility of interstate and foreign commerce, including by computer.

2. The child pornography received by the defendant included a digital video identified by the following partial file name:

Partial File Name	Description
04.42.52.MP4	A digital video depicting a prepubescent boy with his arms handcuffed behind his back and a black mask covering his face. An adult male forces the boy to perform oral sex on him prior to the adult male inserting his penis into the boy's anus until reaching ejaculation. The video lasts one minute and 21 seconds.

3. On or about October 24, 2014, the defendant was convicted in Outagamie County Circuit Court of possession of child pornography in violation of the laws of the State of Wisconsin.

All in violation of Title 18, United States Code, Section 2252A(a)(2)(A) & (b)(1).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about February 18, 2020, in the State and Eastern District of Wisconsin and elsewhere,

DARRIN S. MCELHATTON

knowingly possessed matter that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), which had been mailed, shipped, and transported using a means and facility of interstate and foreign commerce, and that was produced using materials that had been mailed, shipped, and transported by a means of interstate and foreign commerce, including by computer.

2. The child pornography possessed by the defendant included files identified by the following partial file names:

Partial File Name	Description
037.jpg	A digital image depicting a prepubescent boy on his back with his left index finger in his mouth while his right hand pulls down his underwear exposing his penis to the camera.
yld.jpg	A digital image depicting a prepubescent boy naked on his back with his legs brought up to his chest. The boy's penis and scrotum are exposed to the camera. At the bottom of the image a hairy belly of an adult male is pictured with his penis inserted in the boy's buttocks.

3. On or about October 24, 2014, the defendant was convicted in Outagamie County Circuit Court of possession of the crime of child pornography in violation of the laws of the State of Wisconsin.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) & (b)(2).

FORFEITURE NOTICE

Upon conviction of either count in the indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all visual depictions described in Title 18, United States Code, Sections 2252 and 2256, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2252, and shall forfeit any property, real or personal, used or intended to be used to commit or promote the commission of such offenses.

A TRUE BILL:

[REDACTED]

FOREPERSON

Dated: July 21, 2020



MATTHEW D. KRUEGER
United States Attorney